

Court News

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Task Force/Committees

Prop36work.doc

Workgroup to Aid in Proposition 36 Implementation

Proposition 36, which was approved by voters in the November 7 election, promises to substantially change the way drug offenders are treated by the courts. The initiative, which goes into effect on July 1, 2001, generally prescribes treatment rather than incarceration for non-violent drug offenses.

To assist trial courts in the implementation of this act, the Judicial Council has created a workgroup to identify all issues needing action in order to ensure the effective implementation of the measure for the public good and the administration of justice. The workgroup will consist of several members of the Collaborative Justice Courts Advisory Committee and will be chaired by Judge Darrell W. Stevens, Superior Court of Butte County.

In order to ensure broad-based participation by judicial officers and other stakeholders, the workgroup has also sought representation from the Department of Alcohol and Drug Programs, the Office of the Attorney General, the legislative branch, the Department of Probation, appellate court justices, district attorneys, defense attorneys, drug court judges, drug court coordinators, and court executives.

By building consensus among the various constituent groups, the mission of the workgroup is to:

1. Develop a set of court/treatment models allowing trial courts to ensure adequate availability of services (both discretionary and mandatory) for successful implementation of the initiative in light of local community needs.
2. Provide recommendations to trial courts on the due process, legal, policy, and operational issues related to the initiative.
3. Provide recommended standards to ensure the quality of certified and licensed treatment providers who will assist new clients under the initiative.
4. Refine the estimates of the client population expected to enter the court/treatment system as a result of the initiative.
5. Analyze the initiative's expected fiscal effects and the estimated aggregate costs on the court/treatment system. This analysis will help promote adequate statewide funding to serve both the clients and the public.
6. Provide the Judicial Council with recommended policy and legislative initiatives needed to clarify implementation, so that the council might work with the executive and legislative branches in developing mutually beneficial solutions for the public good.
7. Serve as a clearinghouse for ideas, questions, and comments generated from trial courts and others in the course of preparing for implementation.

The workgroup's initial meeting was held on December 21 in San Francisco. The workgroup, which will complete its tasks by the time Proposition 36 goes into effect on July 1, 2001, will continue to serve as a resource to ensure continuity and provide assistance to courts for at least the first 90 days after implementation and longer if required.

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Work Group to Aid in Prop. 36 Implementation

"Collaboration may be the single most important factor [in] successful implementation of Proposition 36." *Implementing Proposition 36: Issues, Challenges, and Opportunities*, Legislative Analyst's Office (December 14, 2000).

Proposition 36, the statewide initiative that generally prescribes treatment rather than incarceration for nonviolent drug offenses, will substantially change the way the California criminal justice system responds to drug problems. Voters approved the initiative in the November 7, 2000, election, and it takes effect July 1, 2001.

The Judicial Council created the Proposition 36 Implementation Work Group to assist trial courts and ensure effective implementation of the measure. The work group is chaired by Judge Darrell W. Stevens, current chair of the

Collaborative Justice Advisory Committee and judge of the Superior Court of Butte County.

"The Judicial Council is committed to working cooperatively with all stakeholders in the criminal justice system to successfully implement this initiative," says Chief Justice Ronald M. George. "Our goal is to promote the fair administration of justice for all Californians."

The work group includes representatives of the Governor's Office, the Legislature, the Attorney General's Office, and the judicial branch, including appellate justices, drug court judges, drug court coordinators, a district attorney, a public defender, probation services representatives, and others.

By building consensus among these constituent groups, the work group aims to:

8. Develop a set of court/treatment models that will enable trial courts to ensure that services (both discretionary and mandatory) are adequate for successful implementation of the initiative in light of local needs.
9. Provide recommendations to trial courts on the due process, legal, policy, and operational issues related to the initiative.
10. Recommend standards to ensure the high quality of the certified and licensed treatment providers who will assist new clients under the initiative.
11. Refine the estimates of the client population expected to enter the court/treatment system as a result of the initiative.
12. Analyze the initiative's expected fiscal effects and estimated aggregate costs for the court/treatment system.

This analysis will help promote adequate statewide funding to serve both the clients and the public.

13. Recommend to the Judicial Council policy and legislative initiatives to clarify implementation so that the council can work with the executive and legislative branches in developing solutions for the public good.
14. Serve as a clearinghouse for ideas, questions, and comments generated by trial courts and others in the course of preparing for implementation.

The work group held its initial meeting December 21, 2000, in San Francisco. It will complete its tasks by the time Proposition 36 goes into effect on July 1, 2001, but will continue to serve as a resource to ensure continuity and provide assistance to courts for at least the first 90 days after implementation, and longer if required.

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